

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff,

V.

DJUNA GONCALVES, CODY GONCALVES,
ANTHONY GONCALVES, CALVIN MENDES,
CARLOS ANTUNES, OZAIR PEREIRA,
JERMAINE GONSALVES, ANGELO PINA,
JOSEPH GREENE, BRIAN DONAHUE,

Defendants.

Criminal Action
No. 18-CR-10468-NMG
Pages 1 to 13

BEFORE THE HONORABLE MARIANNE B. BOWLER
UNITED STATES MAGISTRATE JUDGE

STATUS CONFERENCE
Digital Recording

February 7, 2019

John J. Moakley United States Courthouse
One Courthouse Way
Boston, Massachusetts 02210

Linda Walsh, RPR, CRR
Official Court Reporter
John J. Moakley United States Courthouse
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24 (Appearances continued on the next page.)
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(Appearances continued on the next page.)

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18 Proceedings recorded by sound recording and
19 produced by computer-aided stenography.
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P R O C E E D I N G S

(Recording begins at 2:24:30)

THE CLERK: The United States District Court for the District of Massachusetts is now in session, the Honorable Marianne B. Bowler presiding. Today is February the 7th, 2019, in the case of United States versus Goncalves, et al., Criminal 18-10468, which will now be heard before the Court.

Will counsel please identify themselves.

MR. POHL: Good afternoon, Your Honor. Christopher Pohl for the United States.

THE COURT: All right. I'm going to go down the list the way they appear in the case list, so I think it will be easier.

So for Djuna Goncalves?

MR. BENZAKEN: Good afternoon, Your Honor. Jason Benzaken for Djuna Goncalves.

THE COURT: I'm sorry about the pronunciation. Cody Goncalves?

MR. GOLD: Goncalves, Your Honor.

THE COURT: Goncalves.

MR. GOLD: Ian Gold on behalf of Cody Goncalves, who is present in court beside me.

THE COURT: All right. And Anthony Goncalves?

MR. SWOMLEY: John Swomley for Tony Goncalves.

THE COURT: Thank you very much.

1 Calvin Mendes?

2 MS. SHAH: Monica Shah for Mr. Mendes.

3 THE COURT: Thank you.

4 Carlos Antunes?

5 MR. POHL: He's represented by Attorney Liston, Your
6 Honor. I don't believe he's here.

7 THE COURT: Linson?

8 MR. CLOHERTY: Your Honor, I'm happy to stand in for
9 Mr. Liston. I'm also standing for Mr. Weinstein as well.

10 THE COURT: Linson or Liston? We have both.

11 MR. POHL: Liston. I apologize.

12 THE COURT: Michael Liston, all right. Thank you very
13 much.

14 MR. CLOHERTY: Sure.

15 Dan Cloherty here also standing in for Mr. Weinstein
16 on behalf of Ozair Pereira.

17 THE COURT: All right.

18 MS. GRIFFIN: The next, Your Honor, is Jermaine
19 Gonsalves. Joan Griffin standing in for Keith Halpern.

20 THE COURT: Thank you.

21 MS. GRIFFIN: And also Joan Griffin for Angelo Pina,
22 who is here today.

23 THE COURT: Thank you very much.

24 MR. CLOHERTY: And Mr. Cloherty -- Dan Cloherty here
25 also on behalf of my client, Joseph Greene.

1 THE COURT: Thank you.

2 And for Brian Donahue?

3 MR. HOPE: Charles Hope standing in for John Cunha for
4 Mr. Donahue.

5 THE COURT: Thank you very much.

6 All right. Mr. Pohl, bring me up to date.

7 MR. POHL: Thank you very much, Your Honor.

8 Your Honor, today counsel were provided in hand
9 approximately 1,200 documents that constitute the bulk of the
10 automatic discovery that I think we'll be providing in this
11 case. That discovery includes the -- at least almost all of
12 the search warrants that were conducted during the
13 investigation and the returns, information from the 2014
14 seizures that were made from Djuna and Cody Goncalves at 12
15 Addison Avenue, a number of different scientific reports,
16 including laboratory certificates of analysis, ballistic
17 certificates of analysis, latent fingerprint analyses, and
18 documents of that nature, and portions, not all, but portions
19 of the affidavits that were submitted in connection with the
20 Title III that was granted to intercept communications from
21 Djuna Goncalves's phone.

22 I think within the next week the remainder of the
23 automatic discovery will be to counsel. And that
24 really will -- that's being processed now, and it's -- I think
25 it's easier to produce -- if you're producing it in two

1 batches, it was easier for this batch to go as one batch, and
2 that remaining batch are the intercepted communications
3 themselves from Djuna Goncalves's cell phone as well as the
4 line sheets.

5 So we had a productive discussion before the Court
6 took the bench on sort of the best way to make sure that the
7 intercepted communications get to the prisons. I think they'll
8 be produced to Wyatt or Plymouth at the same time that they're
9 produced to counsel next week.

10 And so, the automatic discovery letter that
11 accompanied the discovery I think pretty clearly sets out all
12 of the material that came in this clump today, and what is
13 about to come next week, as well as items that can be requested
14 if defense counsel choose. The biggest item in that sort of
15 category is that agents used a pole camera, two different pole
16 cameras in the Addison neighborhood during the pendency of the
17 investigation.

18 The total amount -- it's a huge amount of data that
19 would require hard drives capable, I think, of holding up to
20 five terabytes of data to produce. What we've produced today
21 are the surveillance reports that the agents wrote in
22 connection with this case. Almost all of the surveillance
23 reports make clear that they were using the pole camera, at
24 least in part, to start the investigation.

25 THE COURT: And they make reference to specific date

1 and time?

2 MR. POHL: They do. They do.

3 So I think, you know, our references -- sort of our
4 position is, of course any counsel that wants it is entitled to
5 get it. But I think when counsel gets an opportunity to go
6 through the surveillance reports, some of the defendants appear
7 in the pole camera quite often, some of them appear very
8 frequently, some of them may only appear once or twice.

9 So our view is take a look at this material, decide if
10 this is something that you want, and if it is, the
11 government --

12 THE COURT: Can you assist defense counsel by
13 indicating to them, you know, your client is on a lot or not a
14 lot?

15 MR. POHL: Sure, sure. I think the surveillance
16 reports will do that, too. But yes, I think that will be part
17 of the discovery between today and --

18 THE COURT: Informally, just to make it a little
19 easier.

20 MR. POHL: -- the next status conference, absolutely.
21 I think that's something that counsel can work out for
22 themselves.

23 So I told -- I got one or two emails from counsel this
24 week, you know, sort of inquiring about the status of
25 discovery. I think, in a perfect world that didn't include the

1 January shutdown, all of this would have been done by today.
2 But I think by next week we'll sort of power our way through
3 that delay and that would -- I think at that point I'd be able
4 to send and state that automatic discovery is completed.

5 So with that, I'm happy to either answer questions the
6 Court has or respond to questions that defense counsel have.
7 But I think the bulk of material is in this, the disk today.
8 What didn't come today should be produced by next week.

9 Thank you.

10 THE COURT: Do defense counsel want to be heard on any
11 of these issues at this time? All right.

12 MR. HOPE: Not on discovery, Your Honor, but
13 Mr. Donahue is in voluntary detention currently, and we'd be
14 asking for a detention hearing some afternoon next week.

15 THE COURT: It's been continued many, many, many
16 times.

17 MR. HOPE: I understand.

18 THE COURT: Well, we'll do what we can for you the
19 first of the week, Monday or Tuesday.

20 MR. HOPE: Thank you.

21 THE COURT: So at the end, why don't you work with the
22 clerk here to see what you can get for timing.

23 MR. HOPE: Thank you, Your Honor.

24 MR. SWOMLEY: Mr. Anthony Goncalves would like a
25 detention hearing as well. I am not available next week and

1 it's my understanding Mr. Pohl is not available the week after
2 that, and so we were tentatively in agreement on the 25th or
3 the 26th. I don't know remember which one we said.

4 THE COURT: I can do it after the 27th.

5 MR. SWOMLEY: After the 27th.

6 THE COURT: Unless you want to go to the emergency
7 judge in the interim but --

8 MR. SWOMLEY: Well, I'm equally away from the 28th to
9 the 4th.

10 THE COURT: I mean, we could do it -- what about the
11 27th? Can we do it the 27th?

12 THE CLERK: Sure.

13 THE COURT: Does the 27th work for you?

14 MR. SWOMLEY: Yes.

15 THE COURT: What time?

16 THE CLERK: Let's say 2:30. And this is for Anthony?

17 MR. SWOMLEY: Yes, please.

18 THE CLERK: Okay.

19 THE COURT: Now, Mr. Pohl, that's okay with you?

20 MR. POHL: It is. Thank you very much, Your Honor.

21 MR. SWOMLEY: Thank you.

22 THE COURT: All right. Can we pick a date 60 days out
23 for a further conference? Mr. Putnam, what do you have?

24 THE CLERK: Let's see. April 3rd at 2:30.

25 THE COURT: How does that work for counsel? You

1 never -- when we have large cases like this, it doesn't always
2 work for everyone, but if you can arrange just to have coverage
3 on the record.

4 MS. GRIFFIN: That's fine, Judge.

5 THE COURT: All right. On behalf of those present and
6 those who are standing in for those who are not here, do you
7 all agree to exclude the time from today until the 3rd of
8 April?

9 (All answer in the affirmative.)

10 THE COURT: Hearing no negatives, then, I will ask the
11 government to file an assented-to motion to that effect.

12 MR. POHL: We will, Your Honor. Thank you.

13 THE COURT: Anything else? All right. We'll stand in
14 recess.

15 (Recording ends at 2:33:51)
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1 CERTIFICATE OF OFFICIAL REPORTER

2

3 I, Linda Walsh, Registered Professional Reporter

4 and Certified Realtime Reporter, in and for the United States

5 District Court for the District of Massachusetts, do hereby

6 certify that the foregoing transcript is a true and correct

7 transcript of the audio-recorded proceedings held in

8 the above-entitled matter, to the best of my skill and ability.

9 Dated this 21st day of November, 2022.

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11

12 /s/ Linda Walsh

13 Linda Walsh, RPR, CRR

14 Official Court Reporter

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